

FILED  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

2013 SEP 23 AM 10:35  
CLERK'S OFFICE  
WESTERN DISTRICT OF TEXAS

KCC

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE: §  
SCC KYLE PARTNERS, LTD., §  
DEBTOR, § CAUSE NO. A-13-CV-756-LY  
WHITNEY BANK, SUCCESSOR BY § CASE NO. 12-11978  
MERGER TO WHITNEY NATIONAL § CHAPTER 11  
BANK, INDIVIDUALLY AND AS  
AGENT FOR CERTAIN PRE-PETITION  
LENDERS,  
APPELLANT,  
V.  
SCC KYLE PARTNERS, LTD., §  
APPELLEES. §

**ORDER**

Before the court in the above styled and numbered cause is Defendants' Motion to Drop Party filed September 5, 2013 (Clerk's Doc. No. 6). Plaintiff's response was due September 19, 2013. See W.D. Tex. Local R. CV-7(e). To date, Plaintiff has not filed a response to the motion. Thus, pursuant to Local Rule CV-7(e), the court may grant the motion as unopposed if review of the case file reveals that the motion has merit. See W.D. Tex. Local R. CV-7(d); see also *General Star Indem. Co. v. Vest Fire Ins. Corp.*, 173 F.3d 946, 950 (5th Cir. 1999); *Walker v. South Cent. Bell Tel. Co.*, 904 F.2d 275, 277 (5th Cir. 1990); Cf. *John v. Louisiana Bd. of Trs. for State Colls. & Univs.*, 757 F.2d 698, 707-10 (5th Cir. 1985). Having reviewed the motion and the pleadings in this cause,

**IT IS ORDERED** that all claims alleged by Plaintiff SCC Kyle Partners, Ltd., against

Defendant Valerie Wenger are **DISMISSED WITHOUT PREJUDICE.**

**IT IS FURTHER ORDERED** that the style in the cause remaining before this court be modified as noted in the style used in this Order. The clerk of court and the parties are directed to use the above-referenced style for all future pleadings in this action.

SIGNED this 23rd day of September, 2013.



LEE YEAKEL  
UNITED STATES DISTRICT JUDGE